

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

**DECLARATION OF TERRENCE J.  
FLEMING IN SUPPORT OF  
DEFENDANTS' MOTION TO  
COMPEL DISCOVERY**

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

Defendants.

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I, Terrence J. Fleming, declare as follows:

1. I am an attorney at Fredrikson & Byron, P.A. and am one of the attorneys representing Defendants Federal Insurance Company and Ace American Insurance Company in this case.

2. I took the deposition of Plaintiff's expert witness Brooks Hilliard on June 19, 2019.

3. Attached as **Exhibit 1** is a true and correct copy of excerpts from the Expert Report of Brooks Hilliard dated May 31, 2019.

4. Attached as **Exhibit 2** is a true and correct copy of excerpts from the deposition of Brooks Hilliard that I took on June 19, 2019.

5. Attached as **Exhibit 3** is a true and correct copy of Versata Software's Petition and attachments from *Business Automation Assocs., Inc. v. Versata Software, Inc.*, No. D-1-GN-17-006229, 200th Judicial Dist., Travis Cty., TX.

6. Attached as **Exhibit 4** is a true and correct copy of Versata's Amended Answer and Counterclaims from *Business Automation Assocs., Inc. v. Versata Software, Inc.*, No. D-1-GN-17-006229, 200th Judicial Dist., Travis Cty., TX.

7. Attached as **Exhibit 5** is a true and correct copy of the Affidavit of Paul A. Navratil, Ph. D. on behalf of Defendant Versata Software, Inc. from *Business Automation Assocs., Inc. v. Versata Software, Inc.*, No. D-1-GN-17-006229, 200th Judicial Dist., Travis Cty., TX.

8. Attached as **Exhibit 6** is a true and correct copy of Defendants' Fifth Set of Requests for Production, which were served on Plaintiff on June 28, 2019.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: July 12, 2019

s/ Terrence J. Fleming  
Terrence J. Fleming